



**TOWN OF BELMONT
OFFICE OF COMMUNITY DEVELOPMENT**

Homer Municipal Building
19 Moore Street
Belmont, Massachusetts 02478

Telephone: (617) 993-2666 Fax: (617) 993-2651

SPECIAL PERMIT/VARIANCE PROCESS
Commercial Project – July 1, 2013

The Special Permit/Variance process takes approximately six (6) months to complete and includes a formal public hearing. The following is a general outline of the process based on MGL, Ch 40A.

1. **Make an appointment with Staff** to review the process and your application. This may include discussing other options to achieve the construction objectives.
2. **Submit ten copies (10) of all application materials** to the Office of Community Development. All application materials must be submitted approximately 4 – 6 weeks in advance of the public hearing. Once the application is deemed complete, a public hearing will be scheduled.

Please note, that the Board will only hear 5 cases per night and cases are scheduled on a first come first serve basis.

3. **Distribution to other Town departments** – After the application is complete, the Office of Community Development will distribute the application materials to the ZBA, the Planning Board, Board of Selectmen, Board of Health, Fire and Police Departments, Department of Public Works and/or other boards or authorities, as appropriate, for technical review and comment.
4. **Meet with abutters to the project** - The Staff encourages all applicants to discuss the proposed project with their abutters prior to the Town mailing the notice of the public hearing. This will enable issues and concerns about the project to be discussed and get them resolved prior to the hearing. Additionally, the Town of Belmont Zoning By-Laws requires consultation with those that will be substantially impacted by the proposed project.
5. **Notice of the public hearing will be sent to abutters** within 300' of your property. This notice describes the zoning relief requested and provides a brief description of the project.

6. **The public hearing will be held** on your application. You are required to attend the hearing and to give a brief presentation on what you are applying for restating what was previously submitted in the application. The Board will also take input on your application from the audience, both in opposition and support.
7. **The Permit Granting Authority has up to ninety (90) days** from the date your public hearing closes to make and file a written decision with the Town Clerk. The decision may be made either at the end of the same night of your public hearing after all the public hearings have been held or at the next regularly scheduled hearing. Typically, a decision is made and filed within thirty (30) days of the decision, though this depends on the complexity and controversial nature of the project.
8. **A 20 day appeal period** follows the filing of the decision, whether or not your application is granted or denied. The Special Permit/Variance is held until the appeal period has concluded - it cannot be abbreviated; it must run the entire 20 days. An appeal of the Permit Granting Authority decision can be filed in a court of law by any aggrieved person including yourself.

If a decision has been appealed then the Special Permit/Variance is held pending its resolution by court of law.

9. After the appeal period has lapsed, the **approved Special Permit/Variance must be certified with the Town Clerk and filed at the Registry of Deeds.** (The Registry is located in Cambridge near the Cambridge Galleria and the Lechmere MBTA Greenline station.) The Registry will give you a receipt, which you must file with the ZBA.

Please note - A building permit will not be reviewed or issued until the decision is filed at the Registry of Deeds and proof of its filing is submitted to the Permit Granting Authority.

A Variance must be acted on within one-year of its decision and a Special Permit within two-years of its decision. If these permits expire, the application must be reheard by the Permit Granting Authority.

If you have any additional questions about the process, please do not hesitate to contact Jeffrey Wheeler, the Town's Planning Coordinator, at 617-993-2666 or at jwheeler@belmont-ma.gov.



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SPECIAL PERMIT/VARIANCE APPLICATION SUBMISSION REQUIREMENTS:

In order for the application to be considered complete you must submit **10 COPIES** of the following information:

1. **Building Permit Denial Letter;**
2. The appropriate **Application** (if you are a tenant, a letter of consent from your landlord is also required);
3. A **Statement** explaining what you are doing and why, i.e. hours of operation, deliveries, trash pick-up, signage, numbers of employees, etc.

Please note that this is the most important piece to the application and will state how your business operates;
4. A **Certified Plot Plan** (submit only if you are proposing new construction);
5. **Zoning Compliance Check List** completed by the surveyor who drafted the plot plan (submit only if you are proposing new construction);
6. **A Total Fee of \$500.00** - two checks:
 - a. One check for **\$350** to the "Town of Belmont" to cover administrative expenses, and
 - b. The other for **\$150** to the "Town of Belmont" to pay for the legal advertisements.
 - c. An additional **\$50** is required if your property is within 300' of a surrounding town.
7. **Elevations and Interior Layout Plans** if new construction is proposed;
8. **Neighborhood Letters or a Petition** of those who do not object to the proposed project (this can be submitted up until the public hearing); and
9. **Anything Else** that you feel is relevant to your application, i.e., pictures, menus, etc.